

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SHEET METAL WORKERS LOCAL 265)	
WELFARE FUND, <i>et al.</i> ,)	
)	
Plaintiffs,)	CIVIL ACTION NO. 08 C 1290
)	
vs.)	JUDGE DER-YEGHIAYAN
)	
UPDATE HEATING AND COOLING, INC.,)	MAGISTRATE SCHENKIER
an Illinois corporation,)	
)	
Defendant.)	

PLAINTIFFS' INITIAL STATUS REPORT

NOW COME the Plaintiffs, Sheet Metal Workers Local 265 Welfare Fund, *et al.*, by and through their attorneys, BAUM SIGMAN AUERBACH & NEUMAN, LTD., and hereby submit the following Initial Status Report:

1. The Plaintiffs bring this lawsuit pursuant to ERISA, 29 U.S.C. §§1132, and 1145. The Plaintiffs allege that the Defendant has failed to submit contributions, reports and liquidated damages for the time period of November 2007 through the present date.
2. Specifically, the Plaintiffs are seeking an Order by this Court that the Defendant turn over all contribution reports and any and all amounts due thereon to the Plaintiffs.
3. As of this time, Update Heating and Cooling, Inc. has not yet been served. The Plaintiffs are in the process of attempting to serve Oonie F. Allen, Registered Agent at 16742 89th Avenue, Orland Hills, Illinois 60487.

4. At this point, Plaintiffs do not believe there is a legal issue in this case. Indeed, the Defendant signed a Memorandum of Agreement with the Sheet Metal Workers Local 265 Union, and thereby became obligated to submit corresponding fringe benefit reports and contributions due on behalf of members.

5. Plaintiffs do not believe there are any factual issues in this case. There have been no contribution reports or contributions submitted for the time period of November 2007 through the present date, and the Plaintiffs do not believe that the Defendant will allege that it is not bound to submit said contributions and reports.

6. Not applicable.

7. Not applicable.

8. The only discovery the Plaintiffs believe they will need at this point would be document production requests for the missing contribution reports and then requests to admit the amounts found to be due pursuant to those reports.

9. Because the Defendant has not yet been served, the dates are inapplicable at this point.

10. Not applicable.

11. If this case should go to trial, the Plaintiffs believe that it is quite straight forward and would take two (2) days at the most.

12. The Plaintiffs have not demanded a jury trial.

13. There have been no settlement discussions yet because the Plaintiffs have not yet been able to serve the Defendant.

14. The Plaintiffs consent to proceed before Magistrate Judge Schenkier in this matter.

Respectfully submitted,

/s/ Jennifer L. Dunitz-Geiringer

Jennifer L. Dunitz-Geiringer
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CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that on Tuesday, the 29th day of April 2008, she electronically filed, **Plaintiffs' Initial Status Report**, with the Clerk of the Court using the CM/ECF system.

I hereby certify that I have mailed the above-referenced document by United States Mail to the following non-CM/ECF participant on or before the hour of 5:00 p.m. this 29th day of April 2008:

Mr. Oonie F. Allen
Registered Agent for Update Heating and Cooling, Inc.
16742 89th Avenue
Orland Hills, IL 60487

/s/ Jennifer L. Dunitz-Geiringer

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